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 and the Plaintiff Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LACHLAN WATERBURY, individually,)
 and on behalf of all others similarly)
 situated,)
)
 Plaintiff,)
 vs.)
)
 SAFEWAY, INC.,)
 Defendants.)

Case No.: C 06 02072 SBA (JL)

CLASS ACTION

**CASE MANAGEMENT CONFERENCE
 STATEMENT**

Plaintiff Lachlan Waterbury hereby submits the following Case Management Conference Statement in the above-referenced matter.

This action is currently stayed because of a similar action pending in Los Angeles County Superior Court, *Knoch v. Safeway Inc., et al.*, Los Angeles Superior Court Case No. BC 277481 (“*Knoch P*”) and its related case *Knoch v. Safeway Inc., et al.*, Los Angeles Superior Court case No. BC 278726 (“*Knoch IP*”).

On July 31, 2007, the Los Angeles Superior Court indicated that it would deny Plaintiff’s Motion to Certify an Overtime Class in the *Knoch* cases. Plaintiff Waterbury continues to wait for the Court to issue its Order in the *Knoch* cases for purposes of determining how to proceed with litigation in the instant action.

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1 Plaintiff respectfully requests that the presently scheduled Case Management Conference
2 be vacated and a further Case Management Conference be set for 60 days from now.

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4 Dated: June 18, 2008

5 **SCOTT COLE & ASSOCIATES, APC**

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7 By: /s/ Matthew R. Bainer
8 Matthew R. Bainer, Esq.
9 Attorneys for the Representative Plaintiff
10 and the Plaintiff Class

11 The Case Management Conference has been continued to August 27, 2008 at 10:30 a.m. in
12 Courtroom F.

